

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Yutaka MURAKAMI et al. Art Unit 2611  
Appln. No.: 10/562,932 Exr. L. V. Q. Nguyen  
Filed: December 30, 2005 Conf. No. 3690  
For: COMMUNICATION APPARATUS AND COMMUNICATION METHOD

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. Attached is a Chinese Office Action dated March 7, 2009. The S. Alamouti "A Simple Transmit Diversity for Wireless Communications" reference cited therein was filed in the Information Disclosure Statement of December 30, 2005.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered

during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

If any fee is due, it may be charged to Deposit Account No. 04-1061.

Respectfully submitted,

/James Edward Ledbetter/

Date: June 8, 2009

James E. Ledbetter  
Registration No. 28,732

JEL/jcw

ATTORNEY DOCKET NO. 009289-05197

DICKINSON WRIGHT, PLLC  
1875 Eye STREET, NW, Suite 1200  
WASHINGTON, DC 20006  
Telephone: (202) 457-0160  
Facsimile: (202) 659-1559  
DC 9289-5197 137729v1